



**Periodic Review / Retain Regulation
Agency Background Document**

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) citation	16 VAC 15-40
Regulation title	Virginia Hours of Work for Minors
Document preparation date	October 5, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is mandated by the Code of Virginia, §40.1-80.1, which requires the Commissioner of Labor and Industry to promulgate by regulation the hours of work for minors under sixteen years of age. This regulation specifies a lunch period for a child under sixteen years of age who is employed or permitted to work. The regulatory section also requires incorporation of “the standards contained in regulations promulgated by the United States Secretary of Labor pursuant to the Fair Labor Standards Act (29 U.S.C. Section 201 et seq.)” concerning hours of work for minors under 16 years of age.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

This regulation governing the hours of work for minors under sixteen years of age is mandated by the Code of Virginia, §40.1-80.1, and is required to be identical to federal regulations. Therefore, the Commissioner has no discretion in the promulgation of this regulation and there are no

alternatives to achieve the purpose of this regulation.

Public comment

if an informal advisory group was formed for purposes of assisting in the periodic review. Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate

There were no comments during the Public Comment Period. The agency did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation is necessary to protect the health, safety, and welfare of minors in Virginia by establishing maximum limits on the number of hours which minors under the age of sixteen may work. This regulation protects the health, safety and welfare of minors in Virginia who are under the age of sixteen by prohibiting inappropriate child labor conditions and by assuring that the minor’s work does not interfere with school attendance.

The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation remain in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency’s determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

This regulation should have minimal economic impact on small businesses. The regulation also offers clarity and guidance for small businesses that employ minors under sixteen years of age.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation should have a positive impact on the family and on family stability. The provisions of this regulation will help parents by protecting the health, safety, and welfare of working minors in Virginia.